

MINUTES
UTAH BURGLAR ALARM BOARD
NOVEMBER 28, 2001
Room 4B- Fourth Floor - Heber Wells Bldg.
160 East 300 South
Salt Lake City, Utah

CONVENED: 9:12 A.M.

ADJOURNED: 1:55 P.M.

PRESENT:

Clyde Ormond, Bureau Manager
Marty Simon, Board Secretary

Board Members:

Gloria Brady David Sadler
Ed Bruerton Erick Spotten

ABSENT:

None

GUESTS:

Craig Jackson, Division Director.

MINUTES:

The minutes of the August 22, 2001 board meeting were approved as written.

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

HEARINGS/DISCIPLINARY:

9:00 A.M. – Laura Cowell Hearing

APPOINTMENTS:

9:30 -10:00 A.M
Russell Fullerton

The Board called Mr. Fullerton at 435-628-4255, at Mountain Alarm. for his telephone probation interview. Mr. Jeff Merriam there, stated that Mr. Fullerton had been terminated. Mr. Ormond asked Mr. Merriam, to send in the last quarter's "Employer Report" for Mr. Fullerton. He agreed to do so.

The Board then telephone Mr. Fullerton at his home. Mr. Fullerton stated he had been laid off from Mountain Alarm and was not currently employed in the industry. Mr. Fullerton was requested to submit a letter to the Division informing them of the date he ceased employment with Mountain Alarm. He was also told his probation will be on hold until he notifies the Division in writing that he is again employed in the industry.

A motion was later made by Mr. Sadler and seconded by Ms. Brady to put his Memorandum of Understanding (MOU) on hold until he is employed in the industry again. The motion carried unanimously.

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9:45 A.M.
Richard Winter

Mr. Winter did not keep his appointment to meet with the Board and has not signed his MOU. He also has two outstanding warrants that have not been cleared with the courts. Therefore, his application for licensure as a burglar alarm agent has been automatically denied.

10:00 A.M.
Kenneth Anderson

Mr. Anderson met with the Board, accompanied by Mr. Kevin Smith, his supervisor at ADT Alarm, to review his criminal history as it pertains to his application for licensure as a burglar alarm agent. He had answered "No" on questions #9 and #10 on the Qualifying Questionnaire of his application. Bureau of Criminal Identification records show he pled guilty to a charge of Destruction of Property on October 30, 1998 in the Third Circuit Court in Salt Lake City.

Mr. Anderson explained the incident had occurred when he was moving out of an apartment he had shared with his former girlfriend. He stated he had answered "No" because he had not been arrested only cited. Mr. Ormond read the questions to him and pointed out that question #10 had also inquired about ever having "pled guilty" to a charge which he had done. Mr. Anderson stated he had misunderstood the questions. A motion was made by Mr. Sadler and seconded by Ms. Brady to approve him for licensure. The motion carried unanimously.

10:15 A.M.
Josh Lopez

Mr. Lopez did not keep his appointment to meet the Board for his probation interview. He had also missed his appointment with the Board scheduled for the August 22, 2001 meeting. Mr. Lopez has also not taken drug screens that were scheduled on August 9, September 21, October 16 and October 17, 2001. The Board determined he is out of compliance with the terms and conditions of his MOU. A motion was later made by Mr. Sadler and seconded by Ms. Brady to put his Memorandum of Understanding (MOU) on hold until he is employed in the industry again. The motion carried unanimously.

A letter was sent to Mr. Lopez on July 30, 2001 informing him he still owed a \$10.00 UCCH fee. Since he has not kept his scheduled appointments, taken his drug screens or paid the \$10.00 fee within the allotted time his license will be denied.

Mr. Ormond later decided to waive the \$10.00 UCCH fee and request an Order to Show Cause. The request was issued on December 4, 2001.

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10:30 A.M.
Bruce Kitchen

Mr. Kitchen did not keep his appointment to meet with the Board to review and sign his MOU. Ms. Simon spoke with his wife on November 27, 2001, and she stated he is out of town and will not be able to keep his appointment. She was informed that he will be rescheduled for the March 27, 2002 board meeting.

10:45 A.M.
Anthony Vincent Herrera

Mr. Herrera did not keep his appointment to meet with the Board to review and sign his MOU. Therefore, his application for licensure as a burglar alarm agent was automatically denied.

11:00 A.M.
Noah Jenrich

Mr. Jenrich met with the Board to review and sign his MOU. The terms and conditions of the MOU were reviewed with him. He signed the MOU thereby agreeing to the terms and conditions of the MOU. He stated he is currently employed by Professional Alarm and Craig Lindsay is his supervisor. He was scheduled to meet with the Board again at 9:30 A.M. on March 27, 2002.

Travis Martinez

The Board noted that an "Employer Report" had not been received for the last quarter. A telephone call was made to his employer, On-Site Alarm. The Board spoke with a Mr. Spencer who stated Mr. Martinez is no longer employed there, as of the end of August, 2001. Mr. Omond requested Mr. Spencer to complete an "Employer Report" form for Mr. Martinez and send it to the Division. He agreed to do so.

A letter was sent to Mr. Martinez on December 7, 2001, requesting that he inform the Division whether he will be continuing to work in this profession. If he does not practice as a Burglar Alarm Agent for 30 days or longer his probation will be put on hold until he obtains employment in the profession again. At this time, Mr. Martinez is not in compliance with his MOU.

11:30 A.M.
Review of QA Exam with Experiior

Kimberly Nelson, from Experiior met with the Board to conduct the review of the exam. She gave copies of the Test Specificaton Sheet for the Utah Burglar Alarm Company Qualifying Agent Exam to each board member for their review. She stated they will need approximately 100 questions in the data bank for a 50 question exam.

After reviewing the content outline of the exam, the Board recommended several modifications. Ms.

Ms. Nelson agreed to contact the publishers of the reference source books to make sure they are available. Mr. Bruerton suggested having the Utah Burglar Alarm Association get copies of the books and make them available to people studying for the exam.

The possibility of having this exam be an open book exam was discussed. Ms. Nelson stated she thought it would create a public safety issue. However, Mr. Ormond stated there is already an open book exam being given for another profession so that has already set a precedent.

A motion was made by Mr. Sadler and seconded by Ms. Brady to go to a closed session to review the question data bank for the exam. The motion carried unanimously.

After reviewing the data bank, a motion was made by Ms. Brady and seconded by Mr. Sadler to come out of closed session. The motion carried unanimously.

After the data bank of questions have been revised, it was proposed to have a member of the National Burglar & Fire Alarm Association (NBFAA) be a review consultant for the exam questions.

NEW APPLICATIONS:

Companies:

AccuTec Communications, Inc.
QA: Steven Rick Jensen

The Board reviewed the application for licensure as a burglar alarm company with Mr. Jensen as the qualifying agent. Mr. Jensen had been the qualifying agent for ProAlert but had resigned as of November 27, 2001.

The Board determined that Mr. Jensen meets the requirements in the statute. A motion was made by Mr. Sadler and seconded by Ms. Brady to approve Mr. Jensen to be the qualifying agent for this company. The motion carried unanimously. The company license can be approved and issued contingent upon further review of the criminal records of Mr. McLeod and Mr. McGuire.

AccuTec Communications (cont)

Mr. Ormond followed up on this and determined that none of the charges were felonies. The company license was issued on November 28, 2001.

Lightsource Home Technologies, LLC
QA: James L. Otte

The Board reviewed the application for licensure as a burglar alarm company with Mr. Otte as the qualifying agent. The Board determined that Mr. Fischer's experience meets the requirements of the statute. A motion was made by Ms. Brady and seconded by Mr. Sadler to approve Mr. Otte to be the qualifying agent for this company. The company license can be approved and issued contingent upon receipt of a clear criminal check from the FBI for each corporate officer. The motion carried unanimously.

Security Response Services, Inc
QA: Patrick Gaskell

The Board reviewed the application for licensure as a burglar alarm company with Mr. Gaskell as the qualifying agent. The Board determined that Mr. Gaskell's experience meets the requirements of the statute. A motion was made by Mr. Sadler and seconded by Ms. Brady to approve Mr. Gaskell as the qualifying agent for this company contingent upon receipt of a clear criminal record from the FBI.

Tricom Communications Service Inc.
QA: Wayne Fischer

The Board reviewed the application for licensure as a burglar alarm company with Mr. Fischer as the qualifying agent. After a review of Mr. Fischer's experience, a motion was made by Ms. Brady and seconded by Mr. Sadler to request that he provide documentation verifying any burglar alarm experience he has had. The documentation he provided only verified his experience with fire alarms. Upon receipt of the information requested, the Board will determine if he meets the requirements. The motion carried unanimously.

Documentation of the above requested information was received on December 13, 2001. A Burglar Alarm Company license was approved and issued for this company.

DISCUSSION ITEMS:

NBFAA Certification

Mr. Ormond stated he had received several calls inquiring if continuing education (CE) was required for the installers to maintain the NBFAA certification. He stated the statute does not require the CE to renew their license. It is only required if they want to maintain the NBFAA Certification. Mr. Bruerton

suggested a clarification regarding the CE be put in the next newsletter.

Mr. Spotten stated the Utah Burglar Alarm Association should sponsor a bill through legislature if they want to change the statute to require the agents to maintain current certification. Mr. Ormond explained the intent of the requirement in the rules was to reduce the false alarm rate by having them trained properly.

Exemption

Mr. Ormond pointed out a “loop hole” found in 58-55d-305 (8) (a), in the statute. It states, “a person engaged in the alteration, repair, remodeling, or addition to or improvement of any building with a contracted or agreed value of less than \$1,000, including both labor and materials, and including all changes or additions to the contracted or agreed upon work” is exempt from licensure. This is an error that needs to be corrected through legislature.

Review of Exam

After the close of the regular board meeting, the Board met with representatives from Experi to review the data bank of questions for the Burglar Alarm Qualifier examination.

NEXT MEETING:

The Board noted the meetings scheduled for 2002 are March 27, May 22, August 28 and November 27, 2002.

DATE APPROVED

CHAIRPERSON, UTAH BURGLAR
ALARM BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING